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Senate

The Senate met at 10:06 a.m. and was called to order by the Chief Justice of the United States.

TRIAL OF WILLIAM JEFFERSON CLINTON, PRESIDENT OF THE UNITED STATES

The CHIEF JUSTICE. The Senate will convene as a Court of Impeachment. The Chaplain will offer a prayer.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, thank You for the good men and women of this Senate. Today we ask what should be done when really good people disagree. You have shown us so clearly what should and should not be done. When the fabric of our human relationships is being frayed, it is time to deepen our relationship with You. Draw each Senator into healing communion with You that will give physical strength and spiritual assurance of Your unqualified love for him or her. Then in the inner heart give Your peace and direction. Give each Senator the courage to speak truth as she or he hears it and knows it. When this trial is finished, may none feel the pangs of unspoken convictions.

Dear God, we also know there is something we dare not do when good people disagree. You do not condone the impugning of other people's characters because they hold different convictions. You do not want us to break our unity or the bond of sacred friendship. Bless these good Senators as they press forward together with love for You, America, and each other. In the unity of Your spirit and the bond of peace. Amen.

The CHIEF JUSTICE. The Sergeant at Arms will make the proclamation.

The Sergeant at Arms, James W. Ziglar, made proclamation as follows:

Hear ye! Hear ye! Hear ye! All persons are commanded to keep silent, on pain of impris-

onment, while the Senate of the United States is sitting for the trial of the articles of impeachment exhibited by the House of Representatives against William Jefferson Clinton, President of the United States.

THE JOURNAL

The CHIEF JUSTICE. If there is no objection, the Journal of proceedings of the trial is approved to date.

The majority leader is recognized.

ORDER OF PROCEDURE

Mr. LOTT. Mr. Chief Justice, in a few moments, the Senate will resume the closed session in order to allow Members to continue to deliberate the two articles of impeachment. Members are reminded that the motion adopted yesterday allows for a RECORD to be printed on the day of the vote on the articles which could contain Senators' final statements if they choose to have them printed.

Also, Senator DASCHLE was just noting that while Senators have been careful not to comment on the discussion in closed session, we still should use a lot of discretion in going out and talking to the media about the details of what is happening here. I don't think there have been any violations, but use a lot of discretion. I would prefer we not even talk about which Senator spoke or how many spoke. I think we need to be careful in doing that.

I expect the Senate will be in session until approximately 6. We will confer with the Senators, the leadership, and the Chief Justice, and see how the discussions are going, and the speeches, how many are being made. Perhaps we would wrap it up before that. It would just depend on how much endurance we have today.

We will have a break from 12 until about 1:15, one hour and 15 minutes for lunch to allow the Chief Justice some time to return to the Supreme Court and then come back.

I expect the Senate to convene again tomorrow at 10 a.m. in order to try to conclude the debate and vote on the articles if at all possible by 5 o'clock on

Thursday. If we are still having speeches, if we can't do it, we would certainly just go over until Friday, but I think we need to talk about that goal of 5 o'clock on Thursday.

Mr. REID. Thursday.

Mr. LOTT. Also, I know some Senators are still on the way here from committee meetings. There are only two or three going on today, but we didn't give them much notice that we were going to begin at 10, but we are notifying everybody now that we will come in at 10 tomorrow, so that they will go ahead and be able to take action this morning to cancel those hearings and be here sharply at 10 o'clock.

Again, we will alternate today, across the aisle, with the speakers going for up to 15 minutes.

Senator INHOFE is scheduled to be our first speaker today.

Mr. COVERDELL addressed the Chair.

Mr. LOTT. I will be glad to yield to Senator COVERDELL.

Mr. COVERDELL. Mr. Chief Justice, I ask unanimous consent to pose a point of clarification to the majority leader.

The CHIEF JUSTICE. Without objection.

Mr. COVERDELL. Mr. Leader, I am still a little confused about this posting of a statement in the RECORD. Is it possible for a Member of the Senate to submit to the closed session their statement rather than speaking? I think that might be desirable on the part of some.

Mr. LOTT. I think the answer to that is yes. You can do that.

Mr. COVERDELL. In other words, if I chose, I could submit the statement in my sequence to the RECORD, and subsequently, at my choice, decide whether it will be made part of the CONGRESSIONAL RECORD subsequent to the close?

Mr. LOTT. I believe that is correct.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Mr. COVERDELL. I thank the Leader.

Mr. REID. Mr. Leader, and I would also say they would all appear the same as if they were spoken or not spoken.

Mr. LOTT. Correct.

Mr. LEAHY. Will the distinguished majority leader yield?

Mr. LOTT. I yield to the Senator from Vermont.

Mr. LEAHY. Mr. Chief Justice, and I appreciate the courtesy of my good friend from Mississippi, I notice, as he has, that there are a lot of empty seats here in the Chamber. I realize at one time we thought we were coming in at noon, to have committee meetings.

If these statements are not made in the RECORD, the only time we are going to have a chance to discuss with each other what our thoughts are in this closed session, by being here. I also think, in respect to the Chief Justice, we should be doing that.

I am inclined, I would say to my friend from Mississippi, to suggest the absence of a quorum. I am withholding, just for a moment, doing that. But if we are going to be off in committee meetings, I don't think that does service to the intent of this closed door hearing.

I hope that both leaders—and I have discussed this with the distinguished Democratic leader, too—would urge Members to be here. Nothing could be more important than this on our agenda today and tomorrow.

Mr. LOTT. Mr. Chief Justice, I certainly agree with that. We are going to have to have a momentary quorum, just to get the doors closed and then officially go forward. We will call and make sure all the committee hearings are being shut down. Actually, I think Members are coming in steadily, and within a moment we are probably going to have almost all the Senators here. But we will take just a couple of minutes to notify committees to complete their actions and come on the floor.

Mr. LEAHY. If I might complete then, Mr. Chief Justice, out of respect to my friend from Mississippi, and in courtesy to what he said, I will not make that suggestion, knowing that he is going to make a similar suggestion anyway.

Mr. GRAMM. Will the distinguished majority leader yield?

Mr. LOTT. I will be glad to yield.

Mr. GRAMM. Mr. Chief Justice, we are eager to get on with the debate. We have a quorum present. The Senator can make a point of order that a quorum is not present, but it is obvious to the naked eye that a quorum is present.

Mrs. HUTCHISON. Mr. Leader, would you yield?

Mr. LOTT. I will be glad to yield.

Mrs. HUTCHISON. I think it is important, for the record, that it be known there are at least 60 to 70 Members in the Chamber, ready to proceed.

Mr. LOTT. My count is we have about 70 Members here and I'm sure we

will have a full complement here momentarily, so we can lock the doors and give a few more Senators a little more time to get here. Would the Senator from Alaska like to speak?

Mr. MURKOWSKI. May I ask for clarification relative to submitting statements in the RECORD and having them printed? What day would they be printed in the RECORD, assuming that we finish Thursday? The Friday RECORD?

Mr. LOTT. The day of the vote, which means it would come out, I guess, the next day. So if we vote on Thursday—if we vote on Friday, then it would be available, I guess, Saturday morning. If we vote Thursday night, it would be available in the RECORD Friday morning.

Mr. MURKOWSKI. I thank the leader.

Mr. LOTT. If the Senators choose.

Mr. Chief Justice, I suggest the absence of a quorum.

The CHIEF JUSTICE. Would the leader wish we go into closed session before the quorum call?

Mr. LOTT. Yes, Mr. Chief Justice, and then suggest the absence of a quorum.

The CHIEF JUSTICE. The Senate will now resume closed session for final deliberations on the articles of impeachment.

CLOSED SESSION

(At 10:16 a.m., the doors of the Chamber were closed. The proceedings of the Senate were held in closed session until 6:21 p.m., at which time the following occurred.)

OPEN SESSION

Mr. LOTT. Mr. Chief Justice, I now ask unanimous consent that the Senate return to open session.

The CHIEF JUSTICE. Without objection, it is so ordered.

ORDERS FOR THURSDAY, FEBRUARY 11, 1999

Mr. LOTT. Mr. Chief Justice, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Thursday, February 11. I further ask that upon reconvening on Thursday and immediately following the prayer, the majority leader be recognized to make a brief statement with respect to the Senate schedule. I further ask unanimous consent that following the majority leader's comments, the Senate resume final deliberations in closed session on the articles of impeachment.

The CHIEF JUSTICE. In the absence of objection, it is so ordered.

PROGRAM

Mr. LOTT. We will reconvene tomorrow morning at 10 o'clock, and we hope to be able to finish tomorrow afternoon, Mr. Chief Justice, but we have to make a lot better progress than we did today.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LOTT. If there is no further business, I ask unanimous consent that the

Senate adjourn under the previous order.

There being no objection, at 6:21 p.m. the Senate, sitting as a Court of Impeachment, adjourned until Thursday, February 11, 1999, at 10 a.m.

(Pursuant to an order of January 26, 1999, the following was submitted at the desk during today's session:)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceeding.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1701. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Dewey Point, at the convergence of Greens Creek and Smith Creek near Oriental, North Carolina" (Docket 05-98-054) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1702. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Chesapeake Bay, Hampton Roads, Norfolk Harbor Reach and Vicinity" (Docket 05-98-068) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1703. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Chesapeake Bay, Hampton Roads, Elizabeth River, VA" (Docket 05-98-070) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1704. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Eastern Branch Elizabeth River, Labor Day Fireworks Display, Harbor Park, Norfolk, VA" (Docket 05-98-078) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1705. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Eastern Branch Elizabeth River, Labor Day Fireworks Display, Harbor Park, Norfolk, VA" (Docket 05-98-077) received on February 5, 1999; to the Committee on Commerce, Science, and Transportation.

EC-1706. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; All Waters within the Captain of the Port Wilmington Zone as Defined by 33 CFR 3.25-20"